

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE CRUZ-ORTEGA,

Defendant.

CASE NO.CR05-322RSM

ORDER OF CONTINUANCE

The Court having heard the oral stipulated motion by the parties to continue the pretrial motions cutoff date and trial date for defendant and having reviewed the records and files herein makes the following findings and enters the following order:

1. Additional time is necessary for newly appointed defense counsel to fully review discovery and advise his client. The parties also require an opportunity to confer regarding a possible pretrial resolution and to prepare for trial, if necessary.

2. The government and defendant have requested and stipulate to a continuance and the defendant agrees to file a written waiver of speedy trial.

3. The Court finds that pursuant to Title 18, United States Code, Section 3161(h)(8)(A) and Section 3161(h)(8)(B)(iv), the ends of justice served by continuing the trial date to May 30, 2006, outweigh the best interests of the public and the defendant in a speedy trial, in that, newly appointed counsel requires sufficient time to properly advise his client and prepare an appropriate defense.

1 IT IS HEREBY ORDERED that the pretrial motions cutoff date is continued from
2 February 27, 2006, to March 24, 2006;

3 IT IS HEREBY ORDERED that the trial date for defendant is continued from
4 April 3, 2006, to May 30, 2006.

5 IT IS FURTHER ORDERED that, for purposes of computing the time limitations
6 imposed by the Speedy Trial Act, Title 18, United States Code, Sections 3161-3164, the
7 period of delay from April 3, 2006 up and to May 30, 2006, is excludable time pursuant
8 to Title 18, United States Code, Section 3161(h)(8)(B)(iv);

9 IT IS FURTHER ORDERED that defendant shall file a waiver of speedy trial no
10 later than March 15, 2006.

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12 DATED this 9th day of March, 2006.

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15 RICARDO S. MARTINEZ
16 UNITED STATES DISTRICT JUDGE

17 Presented by:

18 /s Patricia C. Lally
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